

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
8/9 July 2004  
464th Regular Meeting  
Central Valley Regional Water  
Quality Control Board

**THURSDAY, 8 JULY 2004**  
**HELD AT**  
**CAL EPA BUILDING, 1001 I STREET SACRAMENTO CA 95814**

**BOARD MEMBERS PRESENT**

Art Baggett, Chair, Pete Silva, Gary Carlton, Nancy Sutley, Richard Katz, State Water Resources Control Board Members

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Robert Fong\*, Beverly Alves, Lucille Palmer-Byrd, Cher Kablanow, Christopher Cabaldon, Central Valley Regional Water Quality Control Board Members.

**\*Mr. Fong departed at lunch time and did not participate in the Basin Plan Amendment for Dissolved Oxygen Item.**

**REGIONAL BOARD STAFF PRESENT**

Tom Pinkos, Jack Del Conte, Frances McChesney, Dennis Westcot, Bill Marshall, Bill Croyle, Molly White, Shakoora Azimi-Gaylon, Kelly Briggs, Mark Gowdy, Les Grober, Rudy Schnagl, and Janice Tanaka.

**STATE WATER RESOURCES CONTROL BOARD STAFF PRESENT**

Celeste Cantu, Elizabeth Jennings, Tom Howard, Walt Shannon, and Gordon Innes.

**OTHERS PRESENT**

Bill Thomas, SJ Water Quality Coalition  
David Orth, SJ Water Quality Coalition  
Joe McGahan, Westside Watershed Coalition  
David Cory, SJ Valley Drainage Authority  
Jerry Prieto Jr., Fresno Co. Ag Department  
Parry Klassen, CURES  
Wayne Zipser, Stanislaus Co. Farm Bureau  
Dennis Gudgel, Stanislaus County  
Diana Westmoreland, Merced Co. Farm Bureau  
Bill Jennings, DeltaKeeper  
Michael Lozeau, Earthjustice  
Linda Sheehan, The Ocean Conservancy  
Steve Chedester, SJ Exchange Contractors  
Michael Sexton, SJ Exchange Contractors  
John Herrick, South Delta Water Agency  
John Meek, SJ & Delta Water Agency  
Aaron Ferguson, NCWA  
Vieva Swearingen, Shasta-Tehama County  
John Richter, Colusa County Ag Dept.  
Stan Wangberg, Sacramento Co. Water Coalition  
Bill Stephens, El Dorado Ag Commissioner

Steven Burton, El Dorado County  
Tim Johnson, CA Rice Commission  
Gail Delahant, Assem. Aghazarian's Office  
Elaine Archibald, CA Urban Water Agencies  
David Bolland, Assoc. of CA Water Agencies  
Tess Dunham, Western Plant Health Assoc.  
Jerry Johns, DWR  
Paul Marshall, DWR  
Cathy Crothers, DWR  
Russ Brown, Stockton MUD  
Monica Eichler, US Army Corps  
Karna Harrigfeld, Stockton Water District  
Bob Murdoch, City of Stockton  
Lynn Wall, Port of Stockton  
John Headlee, US Army Corps  
Byron Buck, Metropolitan Water District  
Lowell Ploss, SJ River Group  
Dr. G. Fred Lee  
Chris Leininger  
Chris Horsley  
Jim Wells

## **OTHER BUSINESS**

### **Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands Within The Central Valley Region – *Information Report***

A public meeting was held. This item was an informational report required by the SWRCB Order. The following staff and public provided comments:

State and Regional Board Staff: Elizabeth Jennings, Craig Wilson, William Marshall and Bill Croyle

Public: Bill Thomas, David Orth, Joe McGahan, David Cory, Jerry Prieto Jr., Parry Klassen, Wayne Zipser, Dennis Gudgel, Diana Westmoreland Pedoro, Bill Jennings, Michael Lozeau, Linda Sheehan, Steve Chedester, Michael Sexton, John Herrick, John Meek, Aaron Ferguson, Viera Swearingen, John Richter, Stan Wangberg, Chris Leininger, Bill Stephens, Steven Burton, Tim Johnson, Chris Horsley, Gail Delahant, Elaine Archibald, David Bolland, Tess Dunham, and Jim Wells.

### **Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control of Factors Contributing to the Dissolved Oxygen Impairment in the Stockton Deep Water Ship Channel - *Consideration of a Resolution to Adopt Proposed Basin Plan Amendment***

A public hearing was held. Mark Gowdy and Les Grober presented the staff report. Additional testimony was given by Byron Buck, Jerry Johns, Bill Jennings, John Headlee, Lynn Wall, Bob Murdoch, Lowell Ploss, G. Fred Lee, and Paul Marshall

This item was continued to the Friday morning session.

**FRIDAY, 9 JULY 2004**

**HELD AT**

**REGION 5 OFFICE, 11020 SUN CENTER DRIVE, #200 RANCHO CORDOVA CA 95670**

## **BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Robert Fong, Beverly Alves, Lucille Palmer-Byrd, Cher Kablanow, Christopher Cabaldon, Regional Water Quality Control Board Members.

**The April and June 2004 minutes were approved as written.**

**The Board met in closed session to discuss ongoing litigation.**

## **BOARD MEMBER COMMUNICATIONS**

Karl Longley explained his vision of a Technical Advisory Committee for resolution of technical/monitoring issues arising from the irrigated lands waiver program. The procedure involves a stakeholder issues forum (made up of experts from irrigated agriculture, water districts and the environmental community) for defining and refining technical issues that will be sent to an external scientific review panel (technical experts who do not have any program interest or involvement) for external peer review and recommendations to the Board as described in a letter dated 31 August 1998 from Walt Pettit former State Board Director. The State and Regional Boards have successfully used this procedure.

Cher Kablanow and Al Brizard attended the 24 June CAFO workshop.

Robert Schneider and Al Brizard attended an Ag subcommittee meeting two weeks ago and an Ag stakeholder group meeting a week ago.

Regarding yesterday's joint Regional/State Board meeting, Karl Longley thought it was very useful to have all the players in one room and wants to have a similar meeting in April of next year.

## **PUBLIC FORUM**

Warren Tellefson, executive officer of the Central Valley Clean Water Association (formerly known as the Central Valley Wastewater Managers Association) expressed the desire of his organization to establish a working relationship with the Board. Their members are predominantly 45 wastewater agencies with some consultants; they extend from Redding to Fresno. Their mission is to represent public wastewater agencies in regulatory matters with a perspective that balances environmental and economic interests. The group wants to become more proactive especially in regard to TMDLs, permitting, and Basin Planning. Their web site is [www.cvcwa.org](http://www.cvcwa.org).

## **OTHER BUSINESS**

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This item was continued from the Thursday meeting.

## **EXECUTIVE OFFICERS REPORT**

Tom Pinkos indicated there is nothing in particular to report, except that we're on track with the budget. The allocation for the 22 waiver positions is undecided. Al Brizard wants staff to request 20 to 21 positions and move fast to hire new staff. Paperwork is being submitted to fill other vacancies as soon as possible.

Karl Longley asked about the "freeze" on federally funded positions and Richard said that the freeze was lifted and the paperwork to hire has been submitted. However, we lost certain federally funded positions, notably NPDES staff. Karl is concerned about having EPA contractors sitting in our office working for us and may want to talk about this some more in the future.

Robert Schneider asked about the mandatory minimum penalties (MMP) report that was sent to State Board per his direction. Tom said the plan has been sent to Celeste Cantu, State Board Executive Director and that about 50% of the MMP backlog is due to two facilities. In addition, John Norton is looking at the report and may be able to provide assistance. We're already preparing action against one of the facilities, a State facility.

Christopher Cabaldon asked that when the State Board issues decisions that affect us, that the Board members be given a copy of the decision (i.e., the decision on the Woodland petition). The Board members clarified that they don't want copies of our petition response. They also want a copy of the Yuba City decision that should be out soon.

Christopher Cabaldon is concerned about technical staff being interviewed by the media and then quotes appearing in a newspaper that imply that the Board has already made its mind up (i.e., the recent article in the Sacramento Bee about storm water violations in Elk Grove). He would like management to revisit how staff interacts with the media.

## **ENFORCEMENT**

### **Non-Submittal of the Annual Report Required Under Waste Discharge Requirements Pinheiro Dairy and Edwin N. Pinheiro, Glenn County – *Consideration of Administrative Civil Liability Orders***

A public hearing was held. Camilla Williams presented the staff report. Additional testimony was given by Ed Pinheiro.

**R5-2004-0087**

MOTION:

By Mr. Fong, seconded by Mrs. Palmer-Byrd to adopt the proposed order. Approved with Ms Kablanow and Mrs. Alves voting no.

## **WASTE DISCHARGE REQUIREMENTS**

### **Closure of Humboldt Road Burn Dump Operational Units, Butte County - *Consideration of Waste Discharge Requirements***

- a. **City of Chico Redevelopment Agency for Closure of Humboldt Road Burn Dump Operational Unit**
- b. **Fogarty Investments, Inc. and Thomas V. and Mary R. Fogarty Revocable Trust, Ildo L. and Patricia B. Rosellini Trust, and Martin Living Trust for Closure of Humboldt Road Private Properties Operational Unit**

Jim Pedri and Karen Clementsen presented the staff report. Additional testimony was given by Fritz McKinley, Wendy Johnston, and John Russeau.

**R5-2004-0088** MOTION: By Mr. Longley, seconded by Mr. Fong to adopt the proposed order for the City of Chico. Unanimously approved.

**R5-2004-0089** MOTION: By Mr. Longley, seconded by Mr. Fong to adopt the proposed order for Fogarty Investments, Inc. Unanimously approved.

## **BASIN PLANNING**

### **Proposed Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins to Modify the Beneficial Uses for Freshwater Aquatic Life (WARM and COLD) and Spawning (SPWN) for West Squaw Creek, Shasta County – *Consideration of a Resolution to Adopt Proposed Basin Plan Amendments and Certify Environmental Documents (Continuation of Hearing from April 2004 Board Meeting)***

A public hearing was held. Phil Woodward and Jim Pedri presented the staff report. Additional testimony was given by Kathleen Goforth of the US EPA.

**R5-2004-0090** MOTION: By Mr. Longley, seconded by Ms. Kablanow to adopt the proposed order. Unanimously approved with amendments.

### **Drinking Water Policy for the Central Valley - *Consideration of a Resolution in Support of Drinking Water Policy***

Karen Larsen presented the staff report. There was no other testimony.

**R5-2004-0091** MOTION: By Mr. Longley, seconded by Mr. Brizard to adopt the proposed order. Unanimously approved with amendments.

## **UNCONTESTED CALENDAR**

## **ENFORCEMENT**

### **City of Rio Vista and Eco Resources, Inc., Trilogy Wastewater Treatment Plant, Northwest Wastewater Treatment Facility, Solano County – *Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders

**R5-2004-0092** MOTION: By Mr. Longley, seconded by Mr. Brizard to adopt the proposed NPDES order. Unanimously approved.

**R5-2004-0093** MOTION: By Mr. Longley, seconded by Mr. Brizard to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

**Olivehurst Public Utility District, Wastewater Treatment Plant, Yuba County – *Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders

<b>R5-2004-0094</b>	MOTION:	By Mr. Fong, seconded by Mrs. Alves to adopt the proposed NPDES order. Unanimously approved.
<b>R5-2004-0095</b>	MOTION:	By Ms. Kablanow, seconded by Mrs. Alves to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

**City of Live Oak, Wastewater Treatment Plant, Sutter County – *Consideration of NPDES Permit Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders

<b>R5-2004-0096</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed NPDES order. Unanimously approved.
<b>R5-2004-0097</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

**City Of Taft, Taft Heights Sanitation District, Ford City Sanitation District and United States Department of Energy, Taft Wastewater Treatment Facility, Kern County – *Consideration of Rescinding Cease And Desist Order and Consideration of a Special Order***

A public hearing was held. No one appeared to contest the proposed orders

<b>R5-2004-0098</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed NPDES order. Unanimously approved.
<b>5-00-176-A01</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

**Sierra Pacific Industries, Anderson Division, Shasta County — *Consideration of NPDES Renewal and Cease and Desist Order***

A public hearing was held. No one appeared to contest the proposed orders

<b>R5-2004-0100</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed NPDES order. Unanimously approved.
<b>R5-2004-0101</b>	MOTION:	By Mr. Longley, seconded by Mr. Brizard to adopt the proposed Cease and Desist order. Unanimously approved by role call vote.

**WASTE DISCHARGE REQUIREMENTS**

**Uncontested Change of Name and/or Ownership**

- a. Synagro West, Inc., Jess/Marciel Ranch Biosolids Application, Alameda County
- b. Water Recycling Requirements for Knauf Fiber Glass, Shasta County

- c. David N. Glenos and Maria D. Glenos, Roll-in Mobilehome Park, Stanislaus County

A public hearing was held. No one appeared to contest the proposed order.

**R5-2004-0102**

MOTION: By Mr. Longley, seconded by Mr. Brizard to adopt the proposed order. Unanimously approved.

#### **Uncontested Rescissions**

- a. Sacramento National Wildlife Refuge, U.S. Department of the Interior, Fish and Wildlife Service, Glenn County
- b. Gleanings for the Hungry, A California Corporation Fruit Dehydration Plant, Tulare County
- c. DeWit Dairy, Colusa County

A public hearing was held. No one appeared to contest the proposed order.

**R5-2004-0103**

MOTION: By Mr. Cabaldon, seconded by Mrs. Palmer-Byrd to adopt the proposed order. Unanimously approved.

#### **Uncontested Waste Discharge Requirements**

**R5-2004-0104**

- a. City of Roseville, Roseville Landfill, Class III Landfills, Post-Closure Maintenance and Corrective Action, Placer County

**R5-2004-0105**

- c. Erickson Processing, Inc., Gerry Gibbs Wild Rice, Sutter County

**R5-2004-0106**

- d. Teichert Aggregates, Esparto Plant, Yolo County (revision)

**R5-2004-0107**

- e. The Boeing Company, Administration Area, Inactive Rancho Cordova Test Site, Groundwater Treatment System, Sacramento County

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley, seconded by Mrs. Palmer-Byrd to adopt the proposed orders. Unanimously approved.

**The Board met in closed session to discuss ongoing litigation.**

**The meeting was adjourned at 4:30 p.m.to the September 9/10 2004 regular meeting.**